

## Rule 9. Wastewater Discharge Associated with Petroleum Products Terminals

### 327 IAC 15-9-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to establish discharge requirements for point source discharges for wastewater associated petroleum products terminals so that the public health, existing water uses, and aquatic biota are protected. (*Water Pollution Control Board; 327 IAC 15-9-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2292*)

### 327 IAC 15-9-2 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1 and IC 13-1-3-1.5 and in 327 IAC 5 and 327 IAC 15-1-2, the following definitions apply throughout this rule:

(1) "Concentration" means the weight of any given material present in a unit volume of liquid. Unless otherwise indicated in this rule, concentration values shall be expressed in milligrams per liter (mg/l).

(2) "Daily maximum concentration" means the daily determination of concentration for any calendar day.

(3) "Monthly average concentration" means the arithmetic average (proportional to flow) of all daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.

(4) "Petroleum products terminals" means an area where petroleum products are supplied by pipeline or barge; where petroleum products are stored in aboveground tanks; where petroleum products are transferred to trucks for transport to other locations; or where petroleum products are stored in aboveground tanks and are transferred to trucks for transport to other locations.

(5) "Wastewater discharge associated with petroleum products terminal" means the discharge from any conveyance, used for collecting and conveying wastewater which is directly related to the storage area of the petroleum products terminal. This includes storm water run-off, tank bottom water, and water used for hydrostatically testing the storage tanks.

(*Water Pollution Control Board; 327 IAC 15-9-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2293*)

### 327 IAC 15-9-3 Applicability

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3

Affected: IC 13-11-2; IC 13-18-4

Sec. 3. This rule applies to all persons who:

(1) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3; or

(2) have an existing point source discharge of treated wastewater controlled by a valid individual NPDES permit.

(*Water Pollution Control Board; 327 IAC 15-9-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2293; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1478*)

### 327 IAC 15-9-4 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 4. Facilities existing within the boundaries of Indiana affected by this rule are regulated under this rule. (*Water Pollution Control Board; 327 IAC 15-9-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2293*)

### 327 IAC 15-9-5 NOI letter requirements under this rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) In addition to the NOI letter requirements contained in 327 IAC 15-3, a person regulated under this rule must identify in the NOI letter each point source discharge of storm water run-off, tank bottom water, and hydrostatic test water. This identification of point source discharge shall include the following:

(1) The discharge location of each outfall and its associated receiving stream.

(2) The type of wastewater discharged through each outfall.

(3) An identifying outfall number. The numbering shall start at 001 for the first outfall, 002 for the second outfall, and continue in that manner until all outfalls are numbered.

(b) The NOI letter must also include proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge:

"(Your facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-9 to discharge wastewater associated with petroleum products terminals. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;

(B) identify the interest of the person making the request;

(C) identify any persons represented by the person making the request;

(D) state with particularity the reasons for the request;

(E) state with particularity the issues proposed for consideration at the hearing; and

(F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

Technical Secretary

Water Pollution Control Board

P.O. Box 6167

Indianapolis, Indiana 46206-6167".

(c) Following submittal of a NOI letter to IDEM and publication in the newspaper by the person requesting coverage under subsection (b), IDEM shall do the following:

(1) Review the NOI for applicability pursuant to section 3 of this rule and for compliance with the requirements of subsection (a).

(2) List this facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This monthly publication shall be issued by IDEM on the 15th day of every month and shall identify all facilities which met both the NOI and newspaper publication requirements in the preceding month.

Requests to be placed on the NPDES general permit rule notification list shall be mailed or delivered to the address at 327 IAC 15-3-1.

(d) IDEM's monthly publication will also contain the following instructions:

"Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the publication date of this public notice. Such a written request for an adjudicatory hearing must:

(A) state the name and address of the person making the request;

(B) identify the interest of the person making the request;

(C) identify any persons represented by the person making the request;

(D) state with particularity the reasons for the request;

(E) state with particularity the issues proposed for consideration at the hearing; and

(F) identify the NPDES general permit rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES general permit rule. If any person filing such objections desires any part of this NPDES general permit rule to be stayed pending the outcome of the appeal, a specific request for such must be included in the request, identifying those parts of the rule to be stayed.

Any such request shall be mailed or delivered to:

Technical Secretary

Water Pollution Control Board

P.O. Box 6167

Indianapolis, Indiana 46206-6167".

(Water Pollution Control Board; 327 IAC 15-9-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2293; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657)

327 IAC 15-9-6 Deadline for submittal of NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 6. (a) For any person operating under an existing individual NPDES permit, that regulates a wastewater discharge affected by this NPDES general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner any time between the effective date of the existing individual NPDES permit and one hundred eighty (180) days prior to the expiration date of the existing individual NPDES permit, unless the commissioner determines that a later date is acceptable. For any person operating under an individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule and that has expired and has been administratively extended, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the effective date of this NPDES general permit rule, unless the commissioner determines that a later date is acceptable.

(b) For a person proposing a new discharge, the information required under 327 IAC 15-3 shall be submitted to the commissioner fifteen (15) days before the date on which the discharge is to commence as allowed in 327 IAC 15-3-3. (Water Pollution Control Board; 327 IAC 15-9-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2294)

327 IAC 15-9-7 General conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) A person regulated under this rule is authorized to discharge storm water run-off, tank bottom water, and hydrostatic test water through the outfalls identified in the NOI letter in accordance with this rule. Such discharge shall be limited and monitored as follows:

<u>Parameter</u>				Monitoring Requirements	
	<u>Monthly Average Report</u>	<u>Daily Maximum Report</u>	<u>Units</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow			MGD	2XMonthly	Instantaneous
Oil & grease	10	15	mg/l	2XMonthly	See subsection (c)(2)
Total VOC	Report	Report	mg/l	See subsection (c)(3)	Grab
TOC	Report	Report	mg/l	See subsection (c)(3)	Grab
Ammonia (as N)	Report	Report	mg/l	See subsection (c)(3)	See subsection (c)(4)
Benzene	Report	Report	mg/l	See subsection (c)(3)	Grab
Total cyanide	Report	Report	mg/l	See subsection (c)(3)	See subsection (c)(4)
Lead	Report	Report	mg/l	See subsection (c)(3)	See subsection (c)(4)
TSS	30	45	mg/l	2XMonthly	See subsection (c)(4)

(b) A person regulated under this rule shall comply with the following additional discharge requirements:

(1) Tank bottom water shall not be discharged to any diked areas. Tank bottom water may be discharged directly through any outfall regulated under this rule.

(2) The pH shall not be less than six (6.0) or greater than nine (9.0) standard units. The pH shall be monitored by a monthly grab sample.

(3) The discharge shall not cause excessive foam in the receiving waters.

(4) The discharge shall be essentially free of floating and settleable solids.

(5) The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the

receiving waters.

(6) The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious, or which produce color, odor, or other conditions in such a degree as to create a nuisance.

(c) A person regulated under this rule shall comply with the following sampling requirements:

(1) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1).

(2) A minimum of four (4) grab samples shall be collected at equally spaced time intervals during a forty-five (45) minute period. Each sample shall be analyzed individually, and the arithmetic mean of the measured concentrations shall be reported as the value for the twenty-four (24) hour period.

(3) On days when tank bottom water is discharged or tanks are hydrostatically tested, a person regulated under this rule shall monitor for these parameters DAILY. This sampling must occur during the time of discharge.

(4) A minimum of four (4) equal volume grab samples shall be taken at equally spaced intervals during the period in which tank bottom water is being discharged, or during a forty-five (45) minute period if tank bottom water is not being discharged. The four (4) grab samples shall be composited prior to analysis.

(5) Total volatile organic compounds (VOCs) shall be characterized by an organic chemical scan. Wastewater samples shall be prepared and analyzed in accordance with U.S. EPA Analytical Method 624 (40 CFR 136, Appendix A), as referenced in 327 IAC 5-2-13(d)(1). During the quantitative analysis for total VOCs, the additional organic compounds that are not listed as priority pollutants in Method 624 shall be identified and quantified. This identification and quantification shall be made when these additional organic compounds are indicated to be present in the extracts by peaks on the reconstructed gas chromatograms (total ion plots) in magnitudes of more than ten (10) times higher than the peak-to-peak background noise. Identification shall be by reference to the EPA/NIH computerized library of mass spectra, with visual confirmation by an experienced analyst. Quantification may be an order of magnitude estimate based upon comparison with an internal standard.

(6) Lead is intended to be analyzed by a test method which will measure the quantity of acid-soluble metal present; however, an approved analytical method for acid-soluble is not yet available. A person shall measure and report lead as total recoverable metal until such a test method is approved which measures acid-soluble metal.

(7) Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of the state as defined in 327 IAC 2-1-9.

(8) Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge.

(d) A person regulated under this rule shall comply with the following reporting requirements:

(1) Monthly discharge monitoring reports shall be submitted to the data management section at the address listed in 327 IAC 15-3-1, containing results obtained during the previous month and shall be postmarked no later than the twenty-eighth day of the month following each completed monitoring period. During a month in which no discharge occurs, the person regulated under this rule shall submit the report stating that no discharge occurred.

(2) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:

(A) The exact place, date, and time of sampling.

(B) The person(s) who performed the sampling or measurement.

(C) The dates the analyses were performed.

(D) The person(s) who performed the analyses.

(E) The analytical techniques or methods used.

(F) The results of all required analyses.

(3) Monitoring of any pollutant at the location(s) identified in the NOI letter more frequently than required under this rule, using approved analytical methods, the results of such monitoring shall be included in the calculation and reporting of the values required in the monthly discharge monitoring report. Such increased frequency shall also be indicated.

(4) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation, shall be retained for a minimum of three (3) years. When the original records are kept at another location, a copy of such records shall be kept at the facility. The three (3) year period shall be extended:

(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or as regarding promulgated effluent guidelines applicable to the facility; or

(B) when requested by the regional administrator or the Indiana department of environmental management.

*(Water Pollution Control Board; 327 IAC 15-9-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2294; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2657)*

327 IAC 15-9-8 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. *(Water Pollution Control Board; 327 IAC 15-9-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2296)*

327 IAC 15-9-9 Inspection and enforcement

Authority: IC 13-1-3-3; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) In accordance with 327 IAC 5-1-3(c), the commissioner and/or designated representative may inspect any facility regulated under this rule at any time.

(b) Any person violating any provision of this rule shall be subject to enforcement and penalties as set forth under 327 IAC 15-1-4. *(Water Pollution Control Board; 327 IAC 15-9-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2296)*

327 IAC 15-9-10 Duration of coverage

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 10. Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences. To obtain renewal of coverage under this general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-9-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2296)*